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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 JEFFREY HERSON, an individual; EAST
19 BAY OUTDOOR, INC., a California
corporation,

20 Plaintiffs,

21 v.

22 CITY OF RICHMOND, a charter city,
23 Defendant.
24

Case No. 4:09-cv-02516-PJH

**STIPULATION RE SUMMARY
JUDGMENT: [~~PROPOSED~~] ORDER
AS MODIFIED**

Judge: Honorable Phyllis J. Hamilton
Dept.: Courtroom 3

Trial Date: July 25, 2011

Pursuant to this Court's order of April 25, 2011, the parties hereby stipulate and notify the Court of their proposal for further cross-motions for summary judgment as contemplated by the April 25 order.

The parties propose to file cross-motions for summary judgment on July 1, 2011, to be heard on August 10, 2011. Each party's opening brief shall be no more than ten pages in length. Each party shall file a consolidated opposition/reply brief of no more than five pages in length on or before July 27, 2011.

This schedule would conflict with the July 25, 2011 trial date and thus would require a continuance of the trial date. The parties accordingly request that the Court vacate the trial date and other remaining deadlines established in the Court's scheduling order, as amended. The parties request that the Court set the case for trial on the first available trial date and reset the remaining dates in the scheduling order based on the new trial date.

The parties therefore respectfully request that the Court enter the attached order effectuating all of the foregoing.

DATED: May 5, 2011

SHUTE, MIHALY & WEINBERGER LLP

By: /s/ Matthew D. Zinn
MATTHEW D. ZINN

Attorneys for Defendant
CITY OF RICHMOND

DATED: May 5, 2011

RAM & OLSON LLP

By: /s/ Karl Olson (signature page attached)
KARL OLSON

Attorneys for Plaintiffs
JEFFREY HERSON and EAST BAY OUTDOOR,
INC.

[PROPOSED] ORDER

Having considered the parties' stipulation regarding summary judgment, which the parties submitted as provided in this Court's April 25, 2011 Order Granting Summary Judgment in Part and Denying Summary Judgment in Part, it is hereby ORDERED as follows:

1. The parties shall file their additional cross-motions for summary judgment, as provided for in this Court's April 25, 2011 order, on or before ~~July 1, 2011~~ June 29, 2011. Each party's opening brief shall be no more than ten pages in length.

2. Each party shall file a consolidated opposition/reply brief of no more than five pages in length on or before July 27, 2011.

3. The Court will hear argument on the cross-motions for summary judgment on August 10, 2011 at 9:00 a.m.

4. The remaining dates and deadlines established in this Court's scheduling order, as amended, are vacated. The new dates and deadlines will be set after the motion is resolved. are established as follows:

Expert disclosures: _____

Expert discovery cutoff: _____

Pretrial conference: _____

Trial date: _____

DATED: May 9, 2011

